

CITY OF OAKLAND

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Public Ethics Commission

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February 6, 2023

Damon Covington
Chief
Oakland Fire Department
150 Frank H. Ogawa Plaza,
Oakland, CA 94612

RE: Requested appearance at the Public Ethics Commission’s April 10, 2024 meeting regarding public records requests made to the Oakland Fire Department

Dear Chief Covington:

On behalf of the Public Ethics Commission (PEC or Commission), we would like to invite you or a designee from the Oakland Fire Department (OFD) to present at the Commission’s April 10 meeting to provide information on the Department’s process, successes, and challenges in responding to public records requests. The Commission will meet on April 10, 2024, at 6:30 p.m. in Hearing Room 1 at City Hall.

As you likely know, the Public Ethics Commission oversees compliance with the Oakland Sunshine Ordinance and its state equivalent, the California Public Records Act. The Sunshine Ordinance, as a supplement to state law, also authorizes the PEC to mediate between requesters seeking public records and City employees responding to their requests. In addition, under the City Charter, the PEC is required to periodically study the laws within its purview to make administrative or policy change recommendations to the City Council (City Charter Section 603(b)(2) & (7)).

As part of this responsibility, the Commission is currently engaged in a study of the City’s process for responding to records requests. In 2024, the Commission will be inviting the three departments with the largest volume of records requests to present before the Commission on their process, beginning with the Police Department, which presented at our January meeting.

As one of the other departments with the highest volume of requests, we would love to learn more about OFD’s experiences. Our goals are to learn more about OFD’s capacity and challenges, discover any commonalities between City departments, and recommend changes to improve performance and capacity with regard to public records requests. We hope to partner with you to help identify any resources you need to address challenges and potentially find efficiencies that could be implemented to benefit OFD and the public.

To this end, the Commission would appreciate hearing from you regarding the following questions:

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1. How many records requests are submitted to your department each week/month/year?
2. What percentage of requests receive a response within 10 days providing a determination of whether there are responsive records?
3. Does the department categorize the requests that are received for data and reporting purposes? If so, please list the categories your department uses and the number of requests received for each category. Are any of these categories easier or harder to respond to?
4. What is the department's existing process for responding to public records requests? How do requests typically come to your department and who handles the initial contact, ongoing communications and response to the requester?
5. What are the biggest challenges your department faces in responding to records requests?
6. Do you have any staff dedicated to responding to records requests? How many vacancies exist among total funded positions that respond to records requests? Are your total funded positions adequate to respond to records requests? If not, what positions and how many would be sufficient?
7. Does your agency provide, or have you considered providing, a self-service means of handling routine requests, i.e. having some portion of the website where a request can be made and fulfilled without human intervention?
8. What process or technology changes, if any, have you made to improve response to records requests, including but not limited to self-service access to records?
9. What training and support do you provide to employees with responsibilities in the department's records retention and public records response process? How is the performance of these employees measured with regard to public records retention and response? (Please note we are only requesting to know how performance is measured in general, and not any particular employee's performance.)
10. What is the department's experience using the NextRequest platform to manage and respond to public records requests? Is it working? How can it be improved?
11. What additional information would you like to share with the Commission on this issue?

Thank you in advance for your cooperation with the Commission's review pursuant to its authority under the City Charter. Could you please confirm by February 21 whether you or a Department designee (and if so who) will attend the PEC's April 10 meeting? To facilitate discussion, it would be helpful if OFD could provide written responses to the questions above by March 18, 2024, so that they may be included with the agenda for that meeting.

Please feel free to reach out if you would like to discuss these questions, or the context for the Commission's inquiry. You may contact me directly at (510) 604-1002 or nheidorn@oaklandca.gov.

Sincerely,

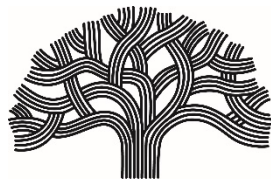
/s/ *Nicolas Heidorn*

Nicolas Heidorn

Executive Director

Oakland Public Ethics Commission

Item 5 - PEC Letter to OFD and Response



CITY OF OAKLAND

INTER OFFICE MEMORANDUM

TO: Nicholas Heidorn
Executive Director
Oakland Public Ethics Commission

FROM: Michael Hunt
Assistant to the Director
Oakland Fire Department

SUBJECT: Oakland Fire Department
Public Records Requests

DATE: March 18, 2024

Dear Executive Director Heidorn and Commissioners on the Public Ethics Commission:

Please find below the Oakland Fire Department's (OFD) responses to your questions regarding the Department's Public Records Request (PRR) response process.

1. How many records requests are submitted to your department each week/month/year?

In 2023, the Office of the Fire Chief processed an average of 18 PRRs each week, an average of 68 a month, and a total of 819 via the NextRequest platform.

2. What percentage of requests receive a response within 10 days providing a determination of whether there are responsive records?

Three OFD Divisions receive the majority of PRRs:

- Fire Prevention Bureau (FPB) responded to 11% of requests within 10 days
- Fire Dispatch Center (FDC) responded to 80% of requests within 10 days
- Medical Services Division (MSD) responded to 95% of requests within 10 days

3. Does the department categorize the requests that are received for data and reporting purposes? If so, please list the categories your department uses and the number of requests received for each category. Are any of these categories easier or harder to respond to?

OFD began categorizing requests around the middle of 2023. Requests are categorized by the OFD divisions designated as the custodian of a specific record.

Following is a list of each OFD division, its Tag, and the records it manages:

- Fire Prevention Bureau (FPB)
 - i. Permits & Plans
 - ii. Inspection Records
 - iii. Violations & Complaints
 - iv. Hazardous Materials & Environmental Records
- Fire Dispatch Center (FDC)

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- i. Computer Aided Dispatch Records
 - ii. Incident Reports
 - iii. 911 Audio Recordings
- Medical Services Division (MSD)
 - i. Patient Care Reports
 - ii. EMS-Related Records
- Fire Administration (FIRE ADMIN)
 - i. Email Communications
 - ii. Electronic Data Discovery Requests (EDDR)
- Fiscal and Administrative Services Division (FASD)
 - i. Financial & Accounting Records
 - ii. HR & Payroll Records
- Support Services Division (SSD)
 - i. Apparatus, Equipment, Tools, Maintenance Records
 - ii. Training Records
- Field Operations Bureau (OPS)
 - i. Policies & Procedures, Rules & Regulations, Standard Operating Guidelines
 - ii. Shift Schedules & Roster Reports
- Emergency Management Services Division (EMSD)
 - i. Emergency Management Services Records

Tags	Count of Id
EDDR-BOS	1
EMSD	1
FDC	272
FDC; EMSD	1
FDC; FIRE ADMIN	2
FDC; FPB	22
FDC; FPB; EMSD	1
FDC; FPB; FIRE ADMIN	1
FDC; MSD	8
FIRE ADMIN	17
FIRE ADMIN; FDC; OPS	1
FPB	184
FPB; FDC	1
FPB; FIRE ADMIN	2
MSD	10
MSD; FIRE ADMIN	1
Records-BOS; RDF Uploaded; FDC	1
SUPPORT SERVICES	3
<i>(blank – before OFD began categorizing requests)</i>	290
Total	819

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4. What is the department's existing process for responding to public records requests? How do requests typically come to your department and who handles the initial contact, ongoing communications, and response to the requester?

When a request for information is received by OFD, the Fire Chief's Executive Assistant (EA) will review the request to determine whether it specifies identifiable records. If additional information is required, the EA contacts the requester to obtain missing information.

The EA forwards the request to the respective division's PRR coordinator to determine if the record exists. Once this is determined, division staff will provide the requester with a Records Determination, informing them whether disclosable responsive records have been located and, if so, whether the Department intends to produce the records.

The next step is to review the records and, if necessary, redact or withhold information where appropriate. Finally, responsive records are published on the City's NextRequest platform and made available to the requester.

Requests for information are received in several ways, including by U.S. postal mail, email, the City's NextRequest platform, by phone, and in person. The EA or division PRR coordinators are responsible for handling the initial contact, ongoing communication, and response to the requester. When challenges arise related to a request, the EA will provide support to staff. Staff also utilizes the assistance of the Office of the City Attorney (OCA) to address challenges related to responding to requests.

5. What are the biggest challenges your department faces in responding to records requests?

Following are challenges followed by a recommended solution:

- ***OFD has zero (0) FTE's in the department dedicated to Public Records Requests. This requires multiple administrative staff to carve out time from their regular burden of responsibilities in order to process the volume of requests that OFD receives.***

SOLUTION:

- *OFD would benefit from having one (1) FTE that is dedicated to the management & processing of PRRs – the addition of one (1) FTE “public records specialist” would immediately improve process management, timeliness of response, and compliance.*
- ***Public records training is irregular and there is no known training for EDDR data requests to efficiently search/retrieve responsive records.***

SOLUTION:

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- *The Office of the City Attorney (OCA) should support annual/semi-annual PRR training that is tailored to the department's needs and provide EDDR records search training by the Information Technology Department (ITD) to improve search efficiency and the delivery time of responsive records.*
- **EDDR requests sap vast amounts of resources to review unwieldy large volumes of extracted unspecific data.**
 - *ITD's EDDR data search query tool seems too basic and returns unwieldy volumes of unspecific data to pore over, requiring vast amounts of administrative review time and delayed delivery of responsive records – this is a huge waste of resources.*

SOLUTION:

- *Improve ITD's ability/data search tool to extract better, more specific, data to improve the data staff must search to find responsive records.*
- **Lack of support from OCA on records requests that are unspecific or vague for unreasonably large volumes of unspecific data:**
 - *Records requests for "all records" City Attorney response to "give them everything" is unhelpful and not supportive of City staff working on unreasonably vague requests for large volumes of data.*

SOLUTIONS:

- *It would be immensely helpful if the OCA would better utilize the letter of the law to support City staff by requesting specificity in requests and allow for the rejection of vague requests for nonspecific information.*
- *OCA should impose an electronic document fee for records duplication (like the CA DOJ) to discourage vague large volume requests that are exploitative of administrative staff time.*
 - <https://oag.ca.gov/system/files/media/prg-guidelines.pdf>
"COPYING FEES... when the Department must compile electronic data, extract information from an electronic record, or undertake computer programming to satisfy a request, the Department may require the requester to bear the full costs, not just the direct cost of duplication."

6. Do you have any staff dedicated to responding to records requests?

No, OFD does not have staff dedicated to responding to PRRs.

How many vacancies exist among total funded positions that respond to records requests?

The Fire Prevention Bureau (FPB) has four existing vacancies (2 OAIIs, 1 AAI, 1 ASM I) that responds to PRRs.

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Are your total funded positions adequate to respond to records requests? If not, what positions and how many would be sufficient?

No, OFD's total funded positions are not adequate to respond to PRRs. OFD would benefit from having at least one (1) FTE that is dedicated to the management & processing of PRRs. The addition of one (1) FTE "public records specialist" would immediately improve process management, timeliness of response, and compliance.

- 7. Does your agency provide, or have you considered providing, a self-service means of handling routine requests, i.e., having some portion of the website where a request can be made and fulfilled without human intervention?**

No, this is something we have not considered. The type of records that OFD maintains (incident reports, 911 audio, patient care reports, medical records, etc.) requires human intervention before it can be released to the public because of the sensitive information the documents contain.

- 8. What process or technology changes, if any, have you made to improve response to records requests, including but not limited to self-service access to records?**

OFD now logs and tracks every PRR received in an Excel spreadsheet that all divisions' PRR coordinators have access to. The spreadsheet is a tool used to assist the EA and division PRR coordinators in managing the PRR process to ensure timely responses.

- 9. What training and support do you provide to employees with responsibilities in the department's records retention and public records response process? How is the performance of these employees measured with regard to public records retention and response? (Please note we are only requesting to know how performance is measured in general, and not any particular employee's performance.)**

OFD's EA provides one-on-one and/or group trainings to OFD PRR coordinators and staff. The City Attorney's Office provides training and guidance as needed to OFD staff and meets bi-weekly with the EA.

OFD does not measure performance of employees with regard to public records retention and response.

- 10. What is the department's experience using the NextRequest platform to manage and respond to public records requests? Is it working? How can it be improved?**

The OFD EA/Point of Contact, PRR coordinators, and assigned support staff have over five plus years of experience using the NextRequest platform to manage and respond to PRRs.

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The platform is working but could be improved by:

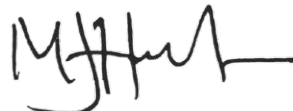
- Offering a quick “how-to” video or walk users through the most commonly used function of the site.
- Giving the public better instructions on how to successfully request for records. For example, let the user know that they should include the exact address or date of incident when requesting for incident or patient care reports.
- More prominently suggest NextRequest users search for records before submitting a new request. This message gets lost on the main NextRequest page ([Open Public RecordsNextRequest - Modern FOIA & Public Records Request Software](#)) because it doesn't stand out – it should be in bold font, “Please use the search function to the right to query the 27,000, and counting, requests the City has previously responded to. You may likely find what you're looking for without having to submit a new request!!!”
- Making the search function more user friendly – provide a simple walk-through of the steps on how to search successfully.

11. What additional information would you like to share with the Commission on this issue?

- OFD should have at least one (1) FTE for PRR to improve compliance
- PRR training should be implemented & tailored to a department's needs
- There is no training for EDDR requests and search process
- ITD's search tool is too basic and generates unwieldy volumes of data to search, wasting resources and staff time – suggest better assistance
- OCA should impose an extraction and duplicating fee for voluminous requests to discourage abuse of the system
- Update Public Records Act language to replace “copying/duplicating” with “producing” in the following, “The California Public Records Act (PRA) allows agencies to charge fees to cover the cost of copying records.”
- Update the City of Oakland Master Fee Schedule to replace “Duplication/Reproduction” with “Production.”

If you have any questions, please contact me at 510-238-6353. Thank you.

Respectfully submitted,



Michael Hunt, Assistant to the Director
Oakland Fire Department